

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5062 of 2024**

Arising Out of PS. Case No.-200 Year-2024 Thana- BANJARIA District- East Champaran

1. Rajiv Singh @ Rajeev Kumar Son Of Jitendar Singh @ Jitendra Singh R/O Vill.- Ajgarimath Ward No. 5, P.S.- Banjariya, Dist.- East Champaran.
2. Jitendar Singh @ Jitendra Singh Son Of Prem Singh @ Premshankar Singh R/O Vill.- Ajgarimath Ward No. 5, P.S.- Banjariya, Dist.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nikhil Ranjan Kumar Son Of Krishnandan Ram R/O Vill.- Ajgarimath Ward No. 5, P.S.- Banjariya, Dist.- East Champaran.

... .. Respondent/s

**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Appellant/s  | : | Mr. P.N. Shahi, Sr. Advocate     |
|                      |   | Mr. Suraj Kumar Tiwari, Advocate |
| For the Respondent/s | : | Mr. Sadanand Paswan, SPP         |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

5      30-01-2025              Heard learned counsel for the appellants, learned Special Public Prosecutor for the State. Perused the case diary.

2.      The instant appeal has been filed by the appellants against the order dated 21-09-2024 passed by Special Judge, SC/ST Act, East Champaran whereby the prayer for bail of the appellants in connection with Banjariya PS Case No. 200 of 2024 instituted under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(i)(r)(s) & 3(2)(v) of SC/ST Act was rejected.

3.      Prosecution case, in short, is that appellant No. 1



has stabbed the brother of the informant to death, whereas it is alleged that appellant No.2 had caught hold of the deceased.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case due to village politics. Charge-sheet has been submitted in this case. It is submitted that nothing has been recovered from the possession of the appellants. Informant is not the eye witness to the occurrence. It is alleged that multiple knife blow was given, but surprisingly, only one injury of stabbing is found on the body of the deceased. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 12-08-2024 and have no criminal antecedent.

5. Learned Special P.P. for the State has vehemently opposed the prayer for grant of bail to the appellants. Referring to paragraph No.20 of the case diary containing postmortem report indicates cause of death as haemorrhage and shock due to injuries caused by sharp pointed and long weapon. There is direct allegation against the appellants.



6. Considering the aforesaid facts and circumstances of the case, taking into account the nature and gravity of the offence as also there being direct allegation against the appellants, this Court is not inclined to allow the appeal. Appeal is, accordingly, *dismissed*.

7. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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